

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEPHEN R. KERN,

Plaintiff(s),

vs.

CLARK COUNTY SHERIFF, et al.,

Defendant(s).

Case No. 2:13-cv-00855-RFB-NJK

ORDER

(Docket No. 28)

Pending before the Court is Plaintiff's motion to extend time. Docket No. 28. Plaintiff is proceeding in this action *pro se* and *in forma pauperis*. See Docket No. 9. On October 11, 2013, Plaintiff filed an amended civil rights complaint. Docket No. 14. On May 5, 2014, the Court reviewed Plaintiff's amended complaint under 42 U.S.C. § 1983. Docket No. 16. The Federal Rule of Civil Procedure 4(m) dismissal deadline for this case is April 24, 2015. See Docket No. 27. Pursuant to Federal Rule of Civil Procedure 4(m), "[i]f a defendant is not served within 120 days after the complaint is filed, the court . . . must dismiss the action without prejudice against that defendant or order that service be made within a specified time."

On March 23, 2015, the Court ordered the U.S. Marshal and Plaintiff to each file a notice of the status of service in this case. Docket No. 25. On March 25, 2015, the U.S. Marshal filed a status of service, stating that Defendants Martinez and Rogers were not served because the USM-285 forms submitted by Plaintiff were defective. Further, the U.S. Marshal has not received corrected USM-285 forms from Plaintiff. Docket No. 26.

On April 1, 2015, Plaintiff filed the pending motion to extend time, requesting the extension of two deadlines. Docket No. 28. First, Plaintiff requests an extension of time to file a status of service, because Plaintiff represents that he needs assistance from the law library clerks. *Id.*, at 1. However, Plaintiff then proceeds to detail the status of service in this case. *Id.*, at 1-2. Plaintiff states that the U.S. Marshal was not able to serve Defendants Martinez and Rogers, and that he filed the unexecuted USM-285 forms as a “notice of motion” at Docket No. 20. *Id.*

Second, Plaintiff requests an extension of time to serve Defendants pursuant to Federal Rule of Civil Procedure 4(m). *Id.*, at 1. The U.S. Marshal has already informed Plaintiff of the information that Plaintiff must provide for process to be served. *See* Docket No. 20, at 4, 6. Specifically, Plaintiff must provide the address of Defendant Martinez’s employer and the first and last name or badge number for Defendant Rogers. *Id.*

Accordingly, for good cause shown,

IT IS ORDERED:

1. Plaintiff’s motion to extend (Docket No. 28) is hereby **GRANTED** in part and **DENIED** in part.
2. Plaintiff’s request to extend the time to file a notice of status in this case is **DENIED** as moot.
3. Plaintiff’s request to extend the time to serve Defendants is **GRANTED**.
4. The Court hereby **EXTENDS** the time for Plaintiff to serve Defendants pursuant to Federal Rule of Civil Procedure 4(m) by 120 days, to **August 24, 2015**.
5. The Clerk of the Court shall send Plaintiff two (2) USM-285 forms, one (1) copy of the amended complaint, and a copy of this order. Plaintiff shall have thirty (30) days within which to furnish to the U.S. Marshal the required USM-285 forms with the correct relevant information on each form. Within twenty (20) days after receiving from the U.S. Marshal a copy of the USM-285 forms showing whether service has been accomplished, Plaintiff must file a notice with the Court identifying which Defendants were served and which were not served, if any.

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1 6. If the U.S. Marshal is unable to serve Defendants Martinez and Rogers, and Plaintiff
2 wishes to have service again attempted, a motion shall be filed with the Court
3 specifying a more detailed name and/or address for said defendant, or whether some
4 other manner of service should be attempted.

5 DATED: April 7, 2015

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9 NANCY J. KOPPE
10 United States Magistrate Judge
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